

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOSHUA D. BRODSKY,	)	3:14-cv-00641-RCJ-WGC
	)	
Plaintiffs,	)	<b><u>MINUTES OF THE COURT</u></b>
vs.	)	
	)	September 24, 2015
WARDEN BACA, et al.,	)	
	)	
Defendants.	)	
_____	)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Before the court is Plaintiff's "Motion to Compel NDOC to Allow Plaintiff to Review his Mental Health Chart." (ECF No. 137.) Plaintiff seeks the court to issue an order to "Warden Baca or anyone on his behalf" to give him "access to his mental health chart no later than 5 Oct 2015." Additionally Plaintiff requests a ten day extension of time to respond to Defendants' motion for summary judgment. (*Id.*, at 1-2.)

Plaintiff claims he needs to review his mental health chart to obtain information "to counter prove" the statement in Exhibit G to Defendants' Motion for Summary Judgment, which Plaintiff states reflects "[Plaintiff] made indirect threats of harming himself." However, the information Plaintiff seeks has no apparent relation to the claims which were allowed to proceed in this matter, i.e., Count I alleging excessive force against NDOC correctional officers Samsel, Cruise and Ahja. (Screening Orders, ECF Nos. 8 and 23.) Also, neither Warden Baca nor NDOC is a party to this action, and the court cannot order non-parties to allow Plaintiff access to medical/mental health records. Plaintiff's motion in this respect is **DENIED**.

Nevertheless, the proper procedure Plaintiff should employ to request review of these records is to kite the Warden's Office to again request a review of his records. Plaintiff should state in his kite that his request pertains to pending litigation and that he needs to review these records in order to reply to Defendants' motion for summary judgment.

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By: \_\_\_\_\_ /s/  
Deputy Clerk